THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 16758 of 2005

Dated:12-09-2005

Between:

Putchakayala Srinivasa Rao and another.

..Petitioners.

And

The Joint Collector & Additional District Magistrate, Guntur District, Guntur and others.

..Respondents.

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16758 of 2005

ORDER:

Though the vacate stay petition filed by the third respondent is listed for consideration, with the consent of both the parties, the main writ petition itself has been heard and decided.

This writ petition is filed questioning the proceedings of the second respondent-Revenue Divisional Officer, Guntur dated 8-7-2005 where under the third respondent herein was appointed as fair price shop dealer of Circle No.63 of Guntur City.

Admittedly, the petitioners have already preferred an appeal before the first respondent-Joint Collector, Guntur District against the order dated 8-7-2005 and the same is pending. The grievance of the petitioners is that in spite of the fact that they made an application seeking stay of the impugned order of appointment, the first respondent failed to consider the same. This Court while directing rule nisi, granted interim suspension of the impugned order dated 8-7-2005.

Though the respondents 1 and 2 have not yet filed any counter, in the counter-affidavit filed by the third respondent, various grounds have been raised stating that the petitioners are not residents of Circle No.63 and as a matter of fact, they never applied for the dealership in respect of the said shop. Since the statutory appeal is pending before the first respondent-Joint Collector, Guntur District, I am not inclined to express any opinion as to the rival claims made by the parties. It is for the appellate authority to consider the relevant material and pass appropriate orders in accordance with law. Since the interim order of suspension dated 29-07-2005 has been in operation pending this writ petition, I am of the view that it would be appropriate to continue the same till the disposal of the statutory appeal.

Accordingly, the Writ Petition is disposed of with a direction to the first respondent-Joint Collector, Guntur District to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that the petitioners as well as the third respondent herein shall be put on notice and

shall be heard before deciding the appeal. The impugned order dated 8-7-2005 shall not be given effect to till the appeal is decided. No order as to costs.

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12-09-2005

Note:

CC by two days.

(Bo)

sj